

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 9, 1980

ALL-COUNTY INFORMATION NOTICE I-49-80

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: NORTH COAST COALITION v. WOODS

REFERENCE:

The attached Preliminary Injunction was issued in the case of North Coast Coalition v. Woods, a statewide class action challenging the regulations relating to income to the AFDC FBU from an "unrelated adult male" (UAM). The Department believes that the challenged regulations (EAS Sections 44-113.5 and 44-133.7) are valid and has taken an appeal. Although the injunction was originally stayed, on May 5, 1980, the Court of Appeal ordered that the injunction be given effect during the remainder of the appeal process.

A careful reading of the Preliminary Injunction reveals that it is confusing and internally inconsistent. The Department is preparing an All County Letter (ACL) describing in detail the manner in which the Department believes UAM contributions must be treated in order to comply with the injunction.

As you may be aware, any ACL or regulation that involves increased costs must be submitted to the Department of Finance (DOF) for funding approval. We anticipate submitting the ACL to DOF next week with a request for an expedited review.

In the meantime, in order to reduce delay after DOF approval is received, it is suggested that you begin to flag or otherwise identify all AFDC cases where grants or eligibility may be affected by UAM income.

Please contact your AFDC Program Management Consultant at (916) 445-4458 if you have any questions.

Sincerely,


KYLE S. MCKINSEY
Deputy Director

Attachment

Court of Appeal of the State of California

IN AND FOR THE

FILED

First Appellate District

MAY 5 1990

Division FOUR

Court of Appeal - First App. Dist.
CLIFFORD G. FORD, Clerk
CLERK

North Coast Coalition, et al.,
Plaintiffs and Respondents,
vs.

No. 48930

Marion J. Woods, et al.,
Defendants and Appellants.

Mendocino

Superior Court No. 41801

BY THE COURT:

Pending determination of the appeal on file herein, the trial court is directed to give effect to the preliminary injunction. See section 923 of the Code of Civil Procedure.

Dated MAY 5 1990

CALDECOTT, P.J.

P.J.

1 REDWOOD LEGAL ASSISTANCE
2 THOMAS B. MASON
3 MARY ANN VILLWOCK
4 CHARLES MCKINLEY
5 PETER SHERMAN
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ENDORSED-FILED

NOV 21 1979

VIOLA RICHARDSON
MENDOCINO COUNTY CLERK

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

NORTH COAST COALITION, et al.,)

Case No. 41801

Plaintiffs,)

PRELIMINARY INJUNCTION

v.)

MARION J. WOODS, et al.,)

Defendants.)

The above matter came on regularly for hearing on October 5, 1979, pursuant to plaintiff's Motion for Preliminary Injunction. THOMAS B. MASON and MARY ANN VILLWOCK of REDWOOD LEGAL ASSISTANCE appeared for plaintiffs and JOHN J. KLEE, JR., appeared as counsel for defendants.

On proof being made to the satisfaction of the Court, and good cause appearing therefor:

IT IS HEREBY ORDERED that during the pendency of this action, or until the final determination thereof, or until the Court shall otherwise order, the defendants, their successors in office, agents, assigns, employees, and all persons acting by, through or under or in concert with them, or under their supervision, including the board of supervisors of each California county and the director of each county welfare department or

1 their agents or employees or any other person with actual know-
2 ledge of this Order, shall be, and hereby are enjoined, restrained
3 and prohibited from:

4 1. Enforcing defendant's current regulations EAS 44-113.5
5 and 44-133.7 or any successor regulations which require county
6 welfare and social services departments to consider as income
7 to the AFDC Family Budget Unit an Unrelated Adult Male's
8 (hereinafter "UAM") contribution for his own living expenses.

9 2. Considering as income to the AFDC Family Budget Unit
10 the portion of the required UAM contribution made pursuant to
11 Welfare and Institutions Code §11,351.5 which is for the UAM's
12 own living expenses.

13 3. Considering as income any contributions made to the
14 AFDC Family Budget Unit, whether cash or in-kind, for a partial
15 item of need specifically designated by the UAM to be for his
16 own living expenses.

17 IT IS FURTHER ORDERED that defendant WOODS, his successor
18 in office, agents, assigns, and employees shall effectuate
19 this Order as follows:

20 1. By issuing an All-County letter within ten days
21 of service of this Order to all county welfare and social ser-
22 vices departments in the state of California which contains
23 a copy of this Preliminary Injunction and directs such departments
24 to do all things necessary to comply with this Court's Order.

25 2. By rescinding or withholding, or causing to be
26 rescinded or withheld, the mailing to AFDC recipients and appli-
27 cants of a letter or notice of reduction, suspension, termina-
28 tion or denial of AFDC benefits which would issue under the

1 operation and application of defendant's current regulations
2 EAS §44-113.5 and 44-133.7, or any successor regulations which
3 violate this Court's Order.

4 IT IS FURTHER ORDERED that defendant WOODS, his successor
5 in office, agents, assigns, and employees be enjoined from
6 failing and refusing to reinstate said recipients' AFDC benefits
7 to the levels they would be but for the operation of regulations
8 EAS §44-113.5 and 44-133.7.

9 IT IS FURTHER ORDERED that bond be waived.

10 IT IS FURTHER ORDERED that defendants shall comply fully
11 with this Order within a reasonable time except as otherwise
12 provided for herein.

13 Dated: November 21, 1979.

14 ARTHUR B. BROADDUS

15 ARTHUR B. BROADDUS
16 Judge of the Superior Court
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